

PATENT

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January 31, 2008

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January 31, 2008

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stanton L. Gerson et al.
Serial No. : 10/505,400
Filing Date : August 19, 2004
For : AKLYLATING AGENT
COMBINATIONS IN THE
TREATMENT OF CANCER
Group Art Unit : 4173
Examiner : Benjamin J. Packard
Attorney Docket No. : CWR-7784PCT/US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This letter responds to the Office Action dated October 24, 2007. The applicants respectfully request that the Examiner reconsider the rejection of claims 59, 60, 64, 65, 75, 77, 78, and 98-100.

Claims 59, 60, 64, 75, 77, 78, and 98-2000 were rejected as being anticipated by Liu et al. Clin. Cancer Res. 5, 2908-2917, 1999. Claims 59, 60, 64, 75, 77, 78, and 98-2000 are patentable over Liu et al. because Liu et al. is not prior art. The present application is a continuation of application No. 10/079,049, filed on Feb. 19,

2002, now U.S. Patent No. 6,635,677, which is a continuation-in-part of application No. 09/373,693, filed on August 13, 1999, now U.S. Patent No. 6,465,448. Support for the subject matter of claims 59, 60, 64, 75, 77, 78, and 98-2000 can be found in the abstract, and columns 7+ of the specification of U.S. Patent No. 6,465,448.

Accordingly, the claims of the present application claim priority to August 13, 1999.

In contrast, the Liu et al. article was published in October 1999. Therefore, Liu et al. was published after the priority date of the present application and is not prior art.

Claims 59, 60, 64, 75, 77, 78, and 98-2000 were also rejected under the nonstatutory obviousness-type double patent rejection as being unpatentable over claim 7 of U.S. Patent No. 6,635,677 and/or claims 1-21 of U.S. Patent No. 6,465,448. Attached herewith are terminal claimers with respect to U.S. Patent Nos. 6,635,677 and 6,465,448. Accordingly, withdraw of these rejections are respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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